



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

243

CWP-11569-2019 (O&M)
Date of decision: 15.01.2025

Shehnaz Parveen

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Amandeep Kaur, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for directing the respondents to grant all service benefits to the petitioner from the date of her deemed appointment i.e. 01.09.2010 by quashing the order dated 27.04.2018, Annexure P-8 to that extent.

2. The respondents were directed to reconsider the claim of the petitioner vide order dated 30.04.2013 rendered in CWP-265-2012, resulting in her appointment on 30.08.2013, she having been found possessing requisite qualifications and holding a valid experience certificate, the non acceptance whereof had become the sole reason for her exclusion from the selection. However, subsequently her claim for service benefits from the same date as her batchmates, came to be rejected.



3. The Division Bench in **Parveen Kumar and Others vs. State of Punjab and others**, CWP-10315-2002 decided on 18.08.2003 observed and held that when meritorious candidates are belatedly instated for reasons extraneous to errors on part of the petitioner, long after the culmination of the selection process, their induction must be retrospectively synchronized with the initial date of appointment. Likewise in **Seema Rani vs. State of Punjab and another**, CWP-16772-2010 decided on 07.08.2012 where the petitioner was appointed as Science Mistress in the Sports Female (General) category vide letter dated 16.02.2009 during the pendency of the writ petition filed in that regard, this Court ruled that the delay in appointment, for no fault of hers was arbitrary and violative of Article 14 of the Constitution and that her appointment be given retrospective effect 08.12.2006, in alignment with the appointment dates of other candidates from the same selection process, consequently, allowing her all other service benefits in pursuance to such notional ante-dated appointment w.e.f. 8.12.2006, *albeit* without any arrears.

4. This Court in **Sandeep Kaur vs. State of Punjab and others**, CWP-17939-2013 decided on 08.02.2016, while dealing with a matter where candidature of the petitioner was rejected on the premise that she failed to produce the domicile certificate at the time of scrutiny, though the same was not required under the advertisement, allowed the writ petition granting her seniority from the date her batchmates were appointed, along with notional fixation of increments, awarding monetary benefits from the date of filing the petition, which now stands implemented as per affidavit dated 02.09.2019 filed in the contempt proceedings initiated in the case.

5. In a similar vein, upon failure to recommend and appoint candidates, who were interviewed alongside other similarly placed, this



CWP-11569-2019

3

Court in **Dr. Rajneet Singh and others vs. State of Punjab, through its Principal Secretary and others**, CWP-11280-2007, decided on 02.07.2009, held such an action to be arbitrary and contravention of Articles 14 and 16 of the Constitution and the petitioners were allowed all the consequential benefits, barring arrears of salary.

6. The petitioner, having first been denied her appointment despite her eligibility and then deprived of rightful benefits, can be said to have been subjected to a double indignity at the hands of the respondents.

7. Having rightly revised the seniority of the petitioner from Serial No. 74 to 55-A accepting her representation dated 12.02.2018, the respondents themselves conceded her appointment to take retrospective effect from 01.09.2010, and taking stock of the totality of facts and legal position, the present petition is disposed of with a directive to the respondents to extend to the petitioner all notional benefits, including pay fixation, effective from 01.09.2010, except the arrears of salary for the said period. Needful be done within a period of 2 months.

(AMAN CHAUDHARY)
JUDGE

15.01.2025

Hemant

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No